Inquiry Criticizes Police In Killings at Southern U.

NYTimes By PAUL DELANEY DEC 11 1972

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BATON ROUGE, La., Dec. 10—Members of a biracial commission investigating the deaths of two Southern University students said today they dispute the official version of the incident that occurred last month on the school's campus.

The commission, appointed by State Attorney General William Guste, will hear the last few witnesses, mostly students, this week and make its report shortly thereafter. The report is then to be made available to a grand jury.

Commission members — six blacks and six whites, including two black students—met with Gov. Edwin W. Edwards Thursday night and informed him of their preliminary findings. Members said privately today that their findings were critical of the roles of the state police and the East Baton Rouge Parish (county) sheriff's deputies. Some members also criticized certain of the Governor's public statements since the incident occurred on Nov. 16.

Findings Are Listed

According to sources close to the investigation, the commission has made the following findings:

¶The authorities have just about pinpointed the spot from where the fatal shots were fired. Some members of the commission believe that it is now possible to identify the person or persons who fired the shots.

¶The two students, Leonard Douglas Brown and Denver A. Smith, both 20-year-old juniors, were killed by the same shotgun blast by the police. The authorities recovered 23 of the 29 buckshot pellets that killed the two. The police at first maintained that that shots were not from their weapons.

¶Some deputy sheriffs carried their own weapons, in addition to regulation firearms.

¶There was a mixup in orders and general confusion, especially among deputy sheriff's officers.

¶The sheriff's department has displayed a lack of professionalism. To date the department has not initiated an investigation of the incident.

At their meeting Thursday, the commission members told Governor Edwards that he had been misled by the state police on what set off the shooting.

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Based on what the state troopers told him, the Governor concluded, and was widely quoted as saying, that the "precipitating incident occurred when students threw a tear-gas canister at the police.

The students have denied that they had any weapons. The commission's findings were said to support their contention that the police first fired tear gas at them.

"The television films show and testimony has confirmed that a state police lieutenant tossed a defective teargas canister at the students," one commission source said today.

"The canister had a delayed fuse on it and gave the students a chance to pick it up and toss it back at police," the source said.

"There was a mixup in orders and the lieutenant should not have thrown the canister. Films show that there was much confusion. The deputies didn't have on their teargas masks. The film showed that many of them didn't even know how to put them on.

"Another deputy is clearly shown resting the barrel of his shotgun on the ground with the muzzle pointed in his stomach while he tried to put on his mask."

The incident occurred on the main campus here after the students had conducted three weeks of demonstrations and boycotts of classes. The students were demanding, among other things, the resignation of Dr. G. Leon Netterville, president of Southern, and an equal voice in academic affairs such as hiring, dismissal and promotion of instructors and in curriculum selection, as well as a stronger role in governing the school.

Governor Edwards had entered the negotiations, which appeared to be at an impasse at the time. Before dawn on Nov. 16, four student leaders were arrested. By 9 A.M., hundreds of students had gathered at the administration building, where five of their leaders met with Dr. Netterville in his office.

The students said that they were not taking over the building and that Dr. Netterville had left to see about gaining the release of the arrested students, and those in his office were awaiting his return, when the police in riot gear and with an armored car came on the campus. The shooting occurred shortly thereafter.

The incident was investigated two weeks ago by a panel of blacks. Its preliminary report blamed deputy sheriffs for what it called deliberately firing shotguns into the crowd. Governor Edward criticized that report as a "blackwash."

The biracial state commission has no official authority and its findings will not have any legal standing. However, the members interviewed today suggested that the commission's findings would add to the controversy over the belief by some blacks that the shootings were deliberate, and over the reopening of Southern's campus here. The university here was closed after the incident, and the campus in New Orleans was shut down last week as a result of continuing boycotts by students.

"There are some commission members who feel the shootings might have been deliberate, but that is a serious charge that would have to be investigated further, so we will not deal with it," one member of the state panel said.